

JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. 2:23-cr-00103-RAJ
Plaintiff,)	
v.)	ORDER GRANTING UNOPPOSED
JOHNY MIXAYBOUA,)	MOTION TO CONTINUE TRIAL AND
Defendant.)	EXTEND PRETRIAL MOTIONS
)	DEADLINE

THE COURT has considered Defendant Johny Mixayboua's unopposed motion to continue the trial date and extend the pretrial motions deadline and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for Mr. Mixayboua the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) the additional time requested is a reasonable period of delay, as counsel for Mr. Mixayboua has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and

(d) the ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and Mr. Mixayboua in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A); and

1 (e) the additional time requested between the current trial date of August 28,
2 2023, and the new trial date is necessary to provide counsel for Mr. Mixayboua the
3 reasonable time necessary to prepare for trial, considering counsel's schedule and all of
4 the facts set forth above.

5 IT IS THEREFORE ORDERED that the motion (Dkt. 19) is GRANTED. The
6 trial date in this matter is continued to January 16, 2024. All pretrial motions, including
7 motions in limine, shall be filed no later than November 30, 2023.

8 IT IS FURTHER ORDERED that the period of delay from the date of this order
9 to the new trial date is excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and
10 (h)(7)(B)(iv).

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12 DATED this 24th day of July, 2023.

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15 The Honorable Richard A. Jones
16 United States District Judge
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